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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) No. 05-70638 PVT
17 Plaintiff,)
18 v.)
19 MARIA DE JESUS FERNANDEZ,)
20 Defendant.)
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RS

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
SAN JOSE VENUE

On September 8, 2005, the parties in this case appeared before the Court for an arraignment.

At that appearance, Assistant United States Attorney Susan Knight explained to the Court that the government has offered the defendant a "fast-track" resolution of her illegal reentry case, and that the parties are waiting for the petition relating to the defendant's supervised release violation to be transferred from the Eastern District of California to the Northern District of California. Once the supervised petition is transferred, the parties will file a Notice of Related Cases and proceed in District Court. Therefore, the parties requested that the arraignment on both cases be continued to September 29, 2005 at 9:30 a.m. In addition, the defendant, through her counsel,

1 agreed to an exclusion of time under Rule 5 of the Federal Rules of Criminal Procedure and the
2 Speedy Trial Act from September 8, 2005 to September 29, 2005. The parties agree and stipulate
3 that an exclusion of time is appropriate based on the defendant's need for effective preparation of
4 counsel.

5 SO STIPULATED: KEVIN V. RYAN
6
United States Attorney

7 DATED: _____ /s/
8 SUSAN KNIGHT
9 Assistant United States Attorney

10 DATED: _____ /s/
11 ANGELA HANSEN
12 Assistant Federal Public Defender

13 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
14 continued to September 29, 2005 at 9:30 a.m. before the Honorable Judge Lloyd. Good cause
15 is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure
16 and 18 U.S.C. § 3060.

17 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
18 Speedy Trial Act from September 8, 2005 to September 29, 2005. The Court finds, based on the
19 aforementioned reasons, that the ends of justice served by granting the requested continuance
20 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
21 the requested continuance would deny defense counsel reasonable time necessary for effective
22 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
23 of justice. The Court therefore concludes that this exclusion of time should be made under 18
24 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

25 SO ORDERED.
26

27 DATED: 9/12/05 
28 RICHARD SEEBORG
United States Magistrate Judge

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 "conformed" signature (/S/) within this efiled document.

3 DATED: _____

4 _____/s/_____

5 SUSAN KNIGHT
6 Assistant United States Attorney

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Other Documents

5:05-mj-70638-PVT USA v. Fernandez-Fernandez

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

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Case Name: USA v. Fernandez-Fernandez

Case Number: 5:05-mj-70638

Filer: USA

Document Number: 9

Docket Text:

STIPULATION *and proposed order excluding time* by USA as to Maria De Jesus Fernandez-Fernandez (Knight, Susan) (Filed on 9/12/2005)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: N:\skreider\Fernandez_Rule_5_and_STA_exclusion1.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=9/12/2005] [FileNumber=2104696-0]

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5b17810c14751136dabd508f858025f2867bfcfeaf03d8d202b4bd802e0]]

5:05-mj-70638-1 Notice will be electronically mailed to:

Angela Milella Hansen Angela_Hansen@fd.org

5:05-mj-70638-1 Notice will NOT be electronically mailed to:

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